

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ANGEL PINEDA SANCHEZ,

Petitioner,

v.

TRISTAN LEMON,

Respondent.

No. 2:23-cv-01115 TLN DB P

ORDER

Petitioner, a state prisoner, seeks habeas corpus relief pursuant to 28 U.S.C. § 2254. On January 16, 2024, petitioner filed a motion for extension of time pertaining to payment of the \$5.00 filing fee. Petitioner has paid the filing fee. Accordingly, the motion for extension of time will be denied as unnecessary.

Also on January 16, 2024, respondent filed a motion to dismiss. Petitioner has not opposed the motion.

Local Rule 230(l) provides, in part: “Failure of the responding party to file written opposition or to file a statement of no opposition may be deemed a waiver of any opposition to the granting of the motion....” *Id.* By order dated November 16, 2023, petitioner was advised of the requirements for filing an opposition to a motion to dismiss as follows: “If the response to the habeas petition is a motion, petitioner’s opposition or statement of non-opposition to the motion

1 shall be filed and served within thirty days after service of the motion[;] respondent's reply, if
2 any, shall be filed and served within fourteen days thereafter." (ECF No. 7.)

3 Failure to comply with this court's Local Rules "may be grounds for imposition of any
4 and all sanctions authorized by statute or Rule or within the inherent power of the Court." Local
5 Rule 110.

6 Good cause appearing, IT IS ORDERED as follows:

7 1. Petitioner's motion for extension of time to pay the filing fee is denied as unnecessary
8 and moot because petitioner has paid the filing fee.

9 2. Within 30 days from the date of this order, petitioner shall file an opposition, if any, to
10 the motion to dismiss. Failure to file an opposition will be deemed as consent to have the action
11 dismissed for failure to prosecute and failure to comply with a court order.

12 Dated: February 23, 2024

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15 DEBORAH BARNES
16 UNITED STATES MAGISTRATE JUDGE

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